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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 504]

CONDITIONS GOVERNING ENTRY OF CIPOLLINI FROM MOROCCO

DECEMBER 7, 1939.

§ 319.56–2f *Administrative instructions; conditions governing the entry of cipollini from Morocco.* Shipments of cipollini (*Muscari comosum*) from Morocco have frequently been found infested at time of entry with an injurious insect, *Exosoma lusitanica*, not known to occur in the United States. The limited type of inspection at our disposal is not considered adequate to detect all cases of infestation and, since the effectiveness of methyl bromide fumigation in freeing this product from the insect in question is now well established, it has been decided to require this fumigation as a condition of entry for future shipments.

On and after December 7, 1939, therefore, fumigation with methyl bromide will be a condition of entry for all shipments of cipollini from Morocco. This treatment shall be carried out under the supervision of a plant quarantine inspector at the expense of the importer, and release of the shipment will be withheld until the treatment has been completed. In addition to fumigation only such inspection will be given as the inspector may judge necessary from time to time to determine pest conditions on arrival or to assure himself of the effectiveness of the treatment.

The entry of cipollini from Morocco may be made only through the ports of New York and Boston at which ports facilities for vacuum fumigation with methyl bromide, as herein required, are available.

(Issued under Sec. 319.56–2) [B.E.P.Q. 504, December 7, 1939]

[SEAL] LEE A. STRONG,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 39–4584; Filed, December 9, 1939; 12:02 p. m.]

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Cotton 407]

PART 722—REGULATIONS PERTAINING TO COTTON MARKETING QUOTAS FOR THE 1940–1941 MARKETING YEAR

DECEMBER 9, 1939.

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31, 38; 7 U.S.C. 1301 et seq.), as amended, I do make, prescribe, publish, and give public notice of the following regulations governing cotton marketing quotas for the 1940–1941 marketing year, to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.[1]

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[1] Unless otherwise indicated, all references in the text to sections relate to these regulations. All section references at the end of paragraphs are to sections of said Act, as amended.

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MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 722.211 *Issuance of forms and instructions and definitions*—(a) *Issuance of forms and instructions.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions (as parts of the general series referred to in Sec. 722.218) and such forms as may be required to carry out these regulations. Copies of such forms and necessary instructions shall be furnished free to persons needing them upon request made to the office of the appropriate county committee.

(b) *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(1) *Act.* The Agricultural Adjustment Act of 1938 and any amendments thereto.

(2) *Secretary of Agriculture.* The Secretary of Agriculture of the United States.

(3) *Administrator.* The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

(4) *Regional director.* The director of the division of the Agricultural Adjustment Administration in charge of the administration of Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended (hereinafter referred to as the Soil Conservation and Domestic Allotment Act), in the region.

(5) *Southern region.* The area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(6) *East Central region.* The area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(7) *Western region.* The area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(8) *North Central region.* The area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(9) *State committee.* The group of persons designated within any State to assist in the administration of the Soil Conservation and Domestic Allotment Act.

(10) *Committee.* A committee within a county or community utilized under the Soil Conservation and Domestic Allotment Act. "County committee," "community committee," or "local committee" shall have corresponding meanings in the connection in which they are used.

(11) *Review committee.* The review committee appointed by the Secretary of Agriculture as provided in Section 363 of the Act.

(12) *Person.* An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or any agency of a State. The term "person" shall include two or more persons having a joint or common interest.

(13) *Owner or landlord.* A person who owns farm land and rents such land to another person or who operates such land.

(14) *Cash tenant or standing-rent tenant or fixed-rent tenant.* A person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(15) *Share tenant.* A person other a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(16) *Sharecropper.* A person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

(17) *Operator.* A person who as a landlord or cash tenant or standing or fixed-rent tenant is operating a farm or who as a share tenant is operating a whole farm.

(18) *Producer or farmer.* A person who is entitled to a proportionate share of the cotton crop, or the proceeds thereof, produced on the farm in 1940, as owner, landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper. The term "producer" or "farmer" also includes a wage hand (or cropper) who as a laborer on a farm instead of receiving daily or other cash wages for his labor receives either

all the cotton produced by him or another on an agreed or specified acreage or all the cotton produced on an agreed or specified portion of the acreage cultivated by him or another.

(19) *Buyer.* A person who buys cotton from a producer.

(20) *Transferee.* A person who receives cotton from a producer by barter or exchange.

(21) *Ginner.* A person who gins cotton.

(22) *Treasurer of the County Committee.* The treasurer of the county agricultural conservation association or the treasurer of the county committee, as the case may be.

(23) *Farm.* All adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(24) *Farm marketing quota.* A cotton marketing quota established for a farm under Section 346 (a) of the Act.

(25) *Producer marketing quota.* A producer's share of a farm marketing quota.

(26) *Farm acreage allotment.* A cotton acreage allotment established for a farm under Sec. 722.215 or 722.216.

(27) *Normal yield.* The number of pounds of lint cotton established as the normal yield per acre for the farm in accordance with Sec. 722.217.

(28) *Actual production of any number of acres.* The actual average yield of lint cotton for the farm for 1940 times such number of acres.

(29) *Normal production of any number of acres.* The normal yield per acre of lint cotton for the farm times such number of acres.

(30) *Cotton.* Any cotton other than long staple cotton.

(31) *Long staple cotton.* Cotton the staple of which is 1⅛ inches or more in length.

(32) *Lint cotton.* The fiber taken from seed cotton by ginning.

(33) *Seed cotton.* The harvested fruit of the cotton plant before it is ginned.

(34) *Ginning.* Separating lint cotton from the seed.

(35) *Market.* To dispose of by sale, barter, or exchange.

(i) The term "sale" means any transfer of title to cotton by a producer to another by any means other than barter or exchange.

(ii) The terms "barter" and "exchange" mean transfer of title to cotton by a producer to another in return for cotton or other commodities, services, or property in cases where the value of the cotton or such other commodities, services, or property is not considered in terms of money, or the transfer of title to cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) "Marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(36) *Marketing year.* The period beginning on August 1, 1940, and ending with July 31, 1941, both dates inclusive.

(37) *Penalty.* The penalty provided in Section 348 of the Act.

(38) *State and county code number.* The applicable number assigned by the Agricultural Adjustment Administration to each county for the purpose of identification.

(39) *Serial number of the farm or farm serial number.* The serial number assigned to a farm.

(40) *Gin bale number or mark.* The number on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(41) *Underplanted farm.* A farm on which the acreage planted to cotton in 1940 is not in excess of the farm acreage allotment established therefor.

(42) *Overplanted farm.* A farm on which the acreage planted to cotton in 1940 is in excess of the farm acreage allotment established therefor.

(43) *Carry-over penalty cotton.* The amount of cotton from any previous crop which a producer has on hand which, if marketed during the 1939–1940 marketing year, would have been subject to the penalty.

(44) *Carry-over penalty free cotton.* The amount of cotton from any previous crop which a producer has on hand which, if marketed during the 1939–1940 marketing year, would not have been subject to the penalty. [Sec. 375, 52 Stat. 66]

ALLOTMENTS AND YIELDS

§ 722.212 *National baleage allotment.* The national allotment of cotton for the calendar year beginning January 1, 1940, is 10,000,000 standard bales of 500 pounds gross weight, increased by that number of standard bales of 500 pounds gross weight equal to the production in 1940 of that number of acres required to be allotted for 1940 as set forth in Sec. 722.213 (c), relating to minimum State acreage allotments, and in Sec. 722.214 (b), relating to minimum county acreage allotments. The production in 1940 of the acreage allotment referred to in Sec. 722.213 (e), relating to a special fund of acreage allotments consisting of four percent of the State acreage allotment, and in Sec. 722.213 (f), relating to minimum farm acreage allotments, shall be in addition to such national allotment. [Sec. 343 (a), (b), and (c), 52 Stat. 56, as amended by 53 Stat. 1125]

§ 722.213 *State baleage allotments and State acreage allotments*—(a) *State baleage allotment.* Ten million standard bales of the national baleage allotment of cotton for the calendar year 1940 shall be apportioned among the several States on the basis of the average of the normal production of cotton in each State for the five years 1934 to 1938. The normal production of a State for each such year shall be (1) the quantity of cotton produced therein in such year plus (2) the normal production of the acres diverted from the production of cotton in all counties in the State under the agricultural adjustment or conservation program in such year. The normal production of the acres diverted from the production of cotton in any county in any year shall be the average yield per acre of the acres planted to cotton in such county in such year times the number of acres so diverted in such county in such year. [Sec. 344 (a)]

(b) *State acreage allotment.* A State acreage allotment shall be established for each State to which an allotment is made under paragraph (a). The State acreage allotment shall be that number of acres equal to the result obtained by dividing the number of standard bales allotted to the State under paragraph (a) by the average yield per acre for the State expressed in standard bales. The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the five years 1934 to 1938 and the average, for the same period, of the acres diverted from the production of cotton in the State under the agricultural adjustment or conservation programs and the acres planted to cotton. [Sec. 344 (b)]

(c) *Minimum State acreage allotment.* Notwithstanding the foregoing provisions of this section, the State acreage allotment for any State which is less than 5,000 acres shall be increased to 5,000 acres if at least 3,500 bales of cotton were produced in such State in any of the five years 1935 to 1939. [Sec. 344 (e) (2)]

(d) *State acreage reserve for new farms.* An acreage not greater than two percent of the State acreage allotment shall be made available for apportionment to farms in the State on which

cotton was not planted in any one of the three years 1937, 1938, and 1939. [Sec. 344 (c) (2)]

(e) *Special State acreage allotment of four percent of State acreage allotment.* In addition to the State acreage allotment, a special State acreage allotment (hereinafter referred to as the "four percent State reserve") equal to four percent of the State acreage allotment shall be established for each State or apportionment as set forth in Sec. 722.215 (b), (e), and (f). [Sec. 344 (g)]

(f) *Increases to provide for minimum farm acreage allotments.* There shall be available in each State for allotment to farms that number of acres equal to the total amount by which farm acreage allotments in the State are increased as set forth in Sec. 722.215 (h), relating to certain minimum and maximum farm acreage allotments. This increase shall be in addition to the State acreage allotment and the four percent State reserve. [Sec. 344 (h)] (Sec. 344, 52 Stat. 57, 203, 586, and 53 Stat. 512, 853)

§ 722.214. *County acreage allotments*—(a) *Regular county acreage allotments.* The State acreage allotment (less that part set aside under Sec. 722.213 (d) for apportionment to new farms) shall be apportioned among the counties in the State on the basis of the sum of (1) the acreage therein planted to cotton during the five years 1934 to 1938 and (2), in the applicable years, the acreage therein diverted from the production of cotton under agricultural adjustment and conservation programs, with adjustments for abnormal weather conditions and trends in acreage during such five-year period. The acreage allotment for each county to which an allotment is so apportioned shall be increased by the number of acres, if any, required to provide an acreage allotment for each such county of not less than 60 percent of the sum of (1) the acreage therein planted to cotton in 1937 and (2) the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program. [Sec. 344 (c) (1), Sec. 344 (e) (1)]

(b) *Administrative areas.* If in any county there are one or more areas which, because of difference in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, each such area shall, in accordance with applicable instructions, be designated by the county committee, and the county acreage allotment shall be apportioned among such areas (1) on the basis of the acreage in each such area planted to cotton in 1937 plus the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program or (2), if conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, on the basis of the cotton base acreage in each such area which was or could have been established in 1937 under the agricultural conservation program. [Sec. 344 (f)] (Sec. 344, 52 Stat. 57, 203, 586)

§ 722.215 *Apportionment of acreage allotments among established farms*—(a) *Acreage available for allotment.* The county committee, with the assistance of other local committees established in the county, shall apportion, in the manner set forth in this section, acreage allotments among all farms in the county on which cotton was planted in any one of the three years 1937 to 1939. The acreage allotments to be apportioned among such farms shall consist of (1) the regular county acreage allotment, consisting of an apportionment of the State acreage allotment made to the county, with such increase in the county acreage allotment as is necessary to provide for the county a minimum acreage allotment of not less than 60 percent of the planted plus diverted cotton acreage in the county in 1937, and (2) a distributive part, applicable to the county, of the four percent State reserve. This distributive part shall be the sum of the acreage allotted to farms in the county, insofar as the amount of the four percent State reserve will permit, under the following conditions in the order listed: (a) in supplying any deficiency in the regular county acreage allotment for the making of initial acreage allotments not exceeding five acres for each such farm; (b) in supplementing any acreage allotment made to any farm out of the regular county acreage allotment which, in consequence of the making of such initial acreage allotments, is inadequate and unrepresentative, and (c) in supplementing any acreage allotment made to any farm under this section which the county committee determines, in accordance with applicable instructions, is inadequate and unrepresentative. The committee shall not establish any farm acreage allotment which is not covered by the allotments mentioned above, except that after but not before the apportionment among farms of all the allotments mentioned above in this paragraph an additional farm acreage allotment shall be made, as set forth in paragraph (h), to any farm in respect to which the acreage allotment otherwise made is less than the minimum acreage allotment set forth in paragraph (h). The term "planted plus diverted cotton acreage," as used in this section, shall be taken to mean the sum of the acreage planted in cotton and the acreage diverted from cotton production under agricultural adjustment or conservation programs. [Sec. 344 (d), (e), (f), (g), (h)]

(b) *Initial farm acreage allotments.* The regular county acreage allotment shall be first apportioned among farms on which cotton was planted in any one of the three years 1937 to 1939, and in making such apportionment there shall be first established for each such farm an initial acreage allotment equal to the highest planted plus diverted cotton acreage on the farm in any one of the three years 1937 to 1939, provided that no initial allotment shall exceed five acres for any such farm. These allotments shall be known as initial allotments and are referred to accordingly in this section. Any deficiency in the amount of the regular county acreage allotment for the making of such initial allotments shall be supplied by the use of the four percent State reserve insofar as such reserve will permit for the county. [Sec. 344 (d) (1), Sec. 344 (g) (1)]

(c) *Reserve for small farms.* In the event that the regular county acreage allotment is more than sufficient to make the initial allotments, there shall be set aside for increase of allotments to small farms, as set forth in paragraph (g), an amount of not more than three percent of that amount of the regular county acreage allotment which remains after making the initial allotments. [Sec. 344 (d) (2)]

(d) *Apportionment on the basis of tilled land.* The remainder of the regular county acreage allotment shall be apportioned among all farms on which the highest planted plus diverted cotton acreage in any one of the three years 1937 to 1939 was more than five acres. The acreage thus to be apportioned to each such farm shall, together with the initial allotment made to the farm, be a percentage (which shall be the same percentage for all farms in the county or administrative area within the county) of the acreage on the farm in 1939 which was tilled or was in regular rotation, excluding therefrom the acreage devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or of wheat or rice for feeding to livestock for market. [Sec. 344 (d) (3)]

(e) *Increases as a result of making initial farm acreage allotments.* If, as a result of the making of initial allotments, the farm acreage allotments for farms made in accordance with paragraph (d) are substantially smaller than the farm acreage allotments which would have been made without regard to any provision for the making of initial allotments, the farm acreage allotments to such farms shall be increased to the acreage which would have resulted in the absence of any provision for the making of initial allotments, insofar as the remainder, if any, of the four percent State reserve will permit for the county after the making of initial allotments. [Sec. 344 (g) (2)]

(f) *Increases in view of past production.* After allotments have been made from the four percent State reserve as provided in paragraphs (b) and (e), one-half of the remainder, if any, of such reserve shall be apportioned to farms for which the acreage allotment otherwise determined is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937, and the other one-half of the remainder, if any, of such reserve shall be available for increasing the allotments for any farms which are determined, in accordance with applicable instructions, to be inadequate and not rep-

resentative in view of past production on the farm: *Provided,* That the cotton acreage allotment for any farm shall not be increased under this paragraph (f) above 40 percent of the acreage on such farm in 1939 which was tilled or was in regular rotation. [Sec. 344 (g) (3)]

(g) *Distribution of reserve for small farms.* Any farm acreage allotment made as aforesaid of more than five acres, but not exceeding 15 acres, may be increased from the reserve of not more than three percent of the county acreage allotment mentioned in paragraph (c). In making such increase due consideration shall be given to, and such allotments shall be made on the basis of, the land, labor, and equipment available for the production of cotton, crop-rotation practices and the soil and other physical facilities affecting the production of cotton. [Sec. 344 (d) (2)]

(h) *Certain minimum and maximum farm acreage allotments.* Nothwithstanding the foregoing provisions of this section, (1) the farm acreage allotment made to any farm shall not exceed the highest planted plus diverted cotton acreage in any one of the three years 1937 to 1939, and (2) any farm acreage allotment which after but not before the apportionment of all acreage allotments, as provided in the foregoing paragraphs of this section, is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937 shall be increased to such amount, provided that such increase shall not be so made as to raise the farm acreage allotment above 40 percent of the acreage on the farm which in 1939 was tilled or was in regular rotation. The acreage allotments required to effect this minimum provision shall be in addition to all acreage allotments represented by the regular county acreage allotment and by the four percent State reserve. [Sec. 344 (d) (3), (g), and (h)]

(i) *Reapportionment of unused farm acreage allotment.*—After making the allotments under this section, any part of the acreage allotted to individual farms which it is determined, in accordance with applicable instructions, will not be planted to cotton in 1940 shall be deducted from the allotments to such farms and may be apportioned in accordance with applicable instructions, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. Notwithstanding the foregoing provisions of this paragraph, the acreage shall be apportioned to those farms designated by the county committee. In designating the farm to which the apportionment is to be made, the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of such farm for an additional allotment to meet the requirement of the families engaged in the production of cotton in 1940 on the farm. Any transfer of allotments for 1940 as set forth in this paragraph shall not affect apportionment for any subsequent year. [Sec. 344 (h)] (Sec. 344, 52 Stat. 57, 203, 586, and 53 Stat. 512, 853)

§ 722.216 *Apportionment of acreage allotments among new farms.* The county committee, with the assistance of other local committees, shall, in accordance with applicable instructions, apportion among farms on which cotton was not planted in any one of the three years 1937 to 1939 and on which cotton will be planted in 1940 the distributive part, applicable to the county, of acreage allotments which constitute a reserve of not more than two percent of the State acreage allotment. The basis of the apportionment shall be the land, labor, and equipment available on the farm for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton thereon. The acreage on the farm which will be tilled in 1940 or was tilled in 1939 shall, as a reflection of said factors, be regarded as the basic index of the farm's capacity for cotton production. [Sec. 344 (c) (2), 52 Stat. 57]

§ 722.217 *Normal yields*—(a) *Farms for which normal yields will be established.* The county committee, with the assistance of the other local committees established in the county, shall determine the normal yield per acre of lint cotton for each farm for which a farm acreage allotment is established.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield of lint cotton per acre for all of the five years 1935 to 1939 are presented by the farmer or are available to the committee, the normal yield per acre of lint cotton for the farm shall be the average of such yields, adjusted, in accordance with applicable instructions, for abnormal weather conditions.

(c) *Appraised yields.* If for any year of the five-year period 1935 to 1939 (1) records of the actual average yield are not available, or (2) there was no actual yield because cotton was not planted in such year, the normal yield per acre of lint cotton for the farm shall be appraised by the county committee, taking into consideration the normal yield for the county, the yield in the years for which data are available, and the rainfall, temperature, and other weather conditions during the years for which data are available as compared with those for which data are not available, provided the appraised yield so obtained shall be adjusted in accordance with paragraph (d).

(d) *Adjustments in appraised yields.* The yields determined under paragraph (c) shall be adjusted so that the average of the normal yields per acre of lint cotton determined for all farms in the county or local administrative area therein (weighted by the cotton acreage allotments established for such farms) shall conform to but not exceed the county or administrative area normal yield per acre of lint cotton established for 1940 by the Secretary of Agriculture. [Sec. 301 (b) (13) (B) and (E), 52 Stat. 38, 202]

§ 722.218 *Applicability of detailed instructions.* The provisions of Sec. 722.212 through Sec. 722.217 shall be carried out in detail in accordance with the provisions of Part I, "Determining 1940 Farm Cotton Acreage Allotments and Yields," of the following instructions applicable to the regions indicated below:

Southern Region: Cotton 408–SR, "Instructions Pertaining to Cotton Marketing Quotas for 1940."
East Central Region: Cotton 408–ECR, "Instructions Pertaining to Cotton Marketing Quotas for 1940."
Western Region: Cotton 408–WR, "Instructions Pertaining to Cotton Marketing Quotas for 1940."
North Central Region: Cotton 408–NCR, "Instructions Pertaining to Cotton Marketing Quotas for 1940." [Sec. 375, 52 Stat. 66]

Done at Washington, D. C., this 9th day of December, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-4583; Filed, December 9, 1939; 11:20 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

PART 203—AUTHORIZATION FOR INSPECTION OF LIVESTOCK[1]

South Dakota Stock Growers Association Authorized To Conduct Brand Inspection

By virtue of the authority vested in the Secretary of Agriculture by an Act of Congress, Public No. 159, 76th Congress, entitled "An Act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes," approved June 30, 1939, the order of the Acting Secretary of Agriculture dated January 3, 1936, granting to the Western South Dakota Stock Growers Association authority to inspect livestock originating in and shipped to market from that part of the State described in that order for brands to determine the ownership of such livestock is hereby amended to read as follows:

§ 203.7 *South Dakota Stock Growers Association.* Upon a written request made to and filed with the Secretary of Agriculture by the South Dakota Stock Growers Association, a livestock association duly organized under the laws of the State of South Dakota, succes-

[1] Amends 9 CFR Sec. 203.7.

sor to the Western South Dakota Stock Growers Association, I, M. L. Wilson, Acting Secretary of Agriculture, do hereby authorize, with respect to livestock originating in or shipped to market from that part of the State of South Dakota:

"West of the Missouri River and that portion of the State extending eastward from the Missouri River along the southern boundary of the State of North Dakota to a line paralleling the C. M. St. P. & P. Railway, extending southward from the North Dakota line through Aberdeen, Redfield, and Mitchell, South Dakota, to the Davison County line and thence westward along the southern boundary of Davison, Aurora, and Brule Counties to the Missouri River,"

the charging and collection of a reasonable fee, to be paid by the owners of the livestock for the inspection of brands appearing upon livestock sold or offered for sale at those posted markets at which said association registers as a market agency, such inspection to be made to determine the ownership of the livestock. Such inspection and charging and collection of fees shall be subject to the provisions of the Packers and Stockyards Act and such reasonable regulations as the Secretary may from time to time prescribe. (Public 159, 76th Congress, approved June 30, 1939) [Authorization Dec. 9, 1939]

In witness whereof, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 9th day of December 1939.

[SEAL] M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 39-4587; Filed, December 11, 1939; 12:06 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 37—CLAIMS ON BEHALF OF THE UNITED STATES [1]

§ 37.5 *Offer of compromise settlement.* (a) The defendant will not be invited, in the initial demand prescribed in section 37.4, to submit any offer other than in full settlement of the claim as presented.

(b) Should he admit liability but consider the demand excessive as to amount or beyond his ability to liquidate within a reasonable time, or should he disclaim liability but evidence a willingness to liquidate the account if reduced in amount, he may be invited to offer a compromise settlement.

(c) In such cases, if compromise be offered, the defendant will be advised that the offer must be accompanied by a certified check payable to the Treasurer of the United States in the amount of such offer in order that it may receive consideration under the law.

(d) The defendant will also be informed that if his offer is accepted by the Secretary of the Treasury under the provisions of section 3469 of the Revised Statutes his liability to the Government in respect to the matter for which such offer is made will be terminated, and that if his offer is not accepted the amount of his check will be promptly returned to him by the Treasury Department. (R. S. 161; 5 U.S.C. 22) [Par. 5, A.R. 35-7220, March 10, 1936, as amended by C 1, Nov. 30, 1939]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-4577; Filed, December 9, 1939; 9:47 a. m.]

[1] These regulations amend Title 10, Chapter III, Part 37, Code of Federal Regulations.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50029]

TERRITORY UNDER THE DE FACTO ADMINISTRATIVE CONTROL OF GERMANY

TERRITORIES WHOSE PRODUCTS ARE NOT ENTITLED TO REDUCED RATES OF DUTY ESTABLISHED PURSUANT TO TRADE AGREEMENTS. MARKING OF CERTAIN PRODUCTS

DECEMBER 11, 1939.

To Collectors of Customs and Others Concerned:

Reference is made to the letter addressed by the President to the Secretary of the Treasury on November 16, 1939,[1] and published in T. D. 50015, regarding the generalization of the rates of duty established pursuant to the Venezuelan and other trade agreements, with particular reference to the application of such rates to the products of Germany and territories under its *de facto* administrative control.

The Secretary of the Treasury has been advised by the Secretary of State, under date of December 1, 1939, with reference to the territories now under the *de facto* administrative control of Germany as follows:

On April 5, 1938 this Department notified you that for all practical purposes the disappearance of the Republic of Austria as an independent state and its incorporation in the territory of the German Government must be accepted as a fact.

The State Department accepts as a fact the transfer to Germany of the Sudeten areas referred to in its letter to you on November 9, 1938.

On March 24, 1939 this Department advised you that it had been informed by the Lithuanian Minister that his Government had formally ceded the territory of Memel to Germany and that the State Department accepts such transfer as a fact.

In the President's letter of April 5, 1939 [2] to you regarding the generalization of trade agreement rates in connection with the proclamation of the trade agreement with Turkey the Provinces of Bohemia, Moravia and Slovakia in Czechoslovakia are specifically referred to as under the *de facto* administrative control of Germany and the status of these provinces remains unchanged.

In addition, this Department understands that the territory of the Republic of Poland west of a line agreed upon on September 28, 1939, between Germany and the Union of Soviet Socialist Republics is now under the *de facto* administrative control of Germany. According to information from the American Embassy at Moscow, the line as reproduced in a map accompanying the agreement of September 28, 1939, runs due west from the tip of Lithuania to the frontier of Eastern Prussia; continues along that frontier to the Pissa River, then south along that river to the town of Ostrolenka; then southeast to the River Bug, along the Bug to the town of Kristinopol; thence almost due west to the River San and along that river to its source on the Ruthenian frontier.

This Department also understands that the Free City of Danzig is now under the *de facto* administrative control of Germany.

Products of that area of the Republic of Poland now under the *de facto* administrative control of Germany and products of the Free City of Danzig, if exported from any country on or after November 16, 1939, shall be regarded as products of Germany for the purposes of the marking provisions of the Tariff Act of 1930, as amended by the Customs Administrative Act of 1938, and for determining applicable rates of duty.

[SEAL] BASIL HARRIS,
Commissioner of Customs.

[F. R. Doc. 39-4598; Filed, December 11, 1939; 12:46 p. m.]

[1] 4 F. R. 4619 DI.

[2] 4 F.R. 1577 DI.

TITLE 30—MINERAL RESOURCES

BITUMINOUS COAL DIVISION

[Order No. 288]

AN ORDER REQUIRING CODE MEMBERS TO REPORT TO THE DIVISION, THE DISTRICT BOARDS AND THE STATISTICAL BUREAUS CHANGES IN NAME OF PRODUCER, IN OWNERSHIP, OPERATION, MANAGEMENT OR CONTROL OF THE MINE, IN METHODS OF MINING OR PREPARATION OF COALS, AND OTHER INFORMATION

Pursuant to the Bituminous Coal Act of 1937, it is hereby ordered that:

1. Each Code member shall report any change in the name under which any of his mines are operated, and any change in the ownership, operation, manage-

ment or control of any of his mines, within ten days after any such change occurs.

2. Each Code member who is producing or who contemplates producing coal from a mine for which no price classifications and minimum prices have been proposed or established shall immediately report such fact.

3. Each Code member shall report any change in the method of mining or preparation of coals, or other conditions effecting a material change in the sizes, analyses, or other characteristics of the coal produced by such Code member. Such report shall be made within ten days after the occurrence of such change and shall include a statement as to the effect of such change on the sizes, analyses and market qualities of the coals of such Code member.

4. The reports required under paragraphs 1, 2, and 3 of this Order shall be filed with the Director of the Division within the prescribed period, and copies thereof shall be mailed to the District Board and the Statistical Bureau for the District in which the mines in question are located.

5. Each Code member who has not heretofore executed and filed for each mine operated by him the form entitled "Questionnaire as to Analysis, Methods of Mining, Preparation of Coals, and Other Information", pursuant to Order No. 234[1] of the National Bituminous Coal Commission dated March 16, 1938, should execute and file such form with the Division for each mine operated by him. Copies of such form may be obtained from the Office of the District Board, any Statistical Bureau of the Division, or by addressing a request therefor to the Director of the Bituminous Coal Division, Washington, D. C. Such form shall be executed in duplicate; one copy thereof shall be filed with the Director, and one copy with the District Board for the district in which the mine in question is located.

6. Order No. 241,[2] dated May 6, 1938, and paragraph 4 of Order No. 234, dated March 16, 1938, are hereby rescinded.

Dated, December 8, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-4586; Filed, December 11, 1939; 11:56 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 202—ANCHORAGE REGULATIONS[3]

§ 202.40 *Hampton Roads and the harbors of Norfolk and Newport News, Virginia.*

The Anchorage Grounds

(a) * * *

(13-1) *Anchorage J-1, Willoughby Bay—(For small boats.)* To the westward of a line bearing 223° from the channelward end of the westerly fender of the Chesapeake Ferry Company terminal at Willoughby Spit to the clock tower on the Officers' Club at the Naval Operating Base; and to the northward of a line bearing 138° through Willoughby Spit Light to the intersection with the line first described.

(13-2) *Anchorage J-2, Willoughby Bay—(For small boats.)* To the eastward of a line bearing 169° from the southeasterly corner of the bulkhead of the Chesapeake Ferry Company terminal at Willoughby Spit to the northeasterly corner of the bulkhead at the Naval Air Station; to the northward of a line bearing 103° from Willoughby Spit Light through a spherical mooring buoy maintained by the Navy Department, and a triangular range target maintained by the War Department; to the southward of a line bearing 59° from the northeast corner of the bulkhead at the Naval Air Station to the intersection with the line last described; and to the eastward of a line bearing 330° from the point immediately east of the mouth of Mason Creek to the intersection with the line last described.

NOTE: Where special conditions justify, boats will be permitted to anchor channelward of the limits of Anchorage J-2, subject to written authority of the District Engineer in charge of the locality.

(Sec. 7, River and Harbor Act, March 4, 1915, 38 Stat. 1053; 33 U.S.C. 471) [Regs. Nov. 22, 1939 (E.D. 7175 (Willoughby Bay, Va.) 1/8)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-4576; Filed, December 9, 1939; 9:47 a. m.]

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 207—NAVIGATION REGULATIONS[1]

§ 207.300 *Ohio River, Mississippi River above Cairo, Ill., and their tributaries; use, administration, and navigation.*

* * * * *

(b) *Precedence at locks.* Ordinarily the vessel arriving first at a lock shall be first locked through; but precedence shall be given to vessels belonging to the United States and to vessels carrying the mails, in the order named. Passenger boats shall have precedence over tows and like craft. When two or more vessels of the same class arrive at a lock from the same direction at the same time, the vessel landward on the lock side of the river shall have precedence, and the riverward vessel shall stop and give way to the landward vessel on the lock side. When two vessels of the same class arrive at a lock from opposite directions at the same time, the vessel headed downstream, or with the flow of the current, shall ordinarily have precedence. In cases where no current draw exists riverward from the lock, the vessel headed upstream may be given precedence. Where several vessels of the same class are awaiting lockage from opposite directions, lockages shall be made alternately, if practicable, rather than in the order of time of arrival. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers, will be considered as having arrived at the locks within the meaning of this paragraph. Irrespective of any other provisions of this paragraph, the precedence at locks is to be as directed by the lock master, who may prescribe any departure from such provisions as in his judgment the circumstances warrant.

* * * * *

(Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Nov. 21, 1939 (E.D. 6311 (Ohio R.—Trib.) 11/2)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-4575; Filed, December 9, 1939; 9:47 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 8]

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

Section 1.1—*Customs ports authorized to issue marine documents*[1] is hereby amended to read as follows:

ATLANTIC AND GULF COASTS

Maine and New Hampshire (1). Eastport, Calais, Jonesport, Bar Harbor, Bangor, Belfast, Rockland, Bath, *Portland, Portsmouth.

Massachusetts (4). Gloucester, Salem, *Boston, Provincetown, New Bedford, Fall River.

Rhode Island (5). *Providence, Newport.

Connecticut (6). New London, Hartford, New Haven, *Bridgeport.

New York (10). *New York, Albany, Newark, Perth Amboy.

Philadelphia (11). *Philadelphia, Wilmington.

Maryland (13). *Baltimore, Annapolis, Crisfield, Cambridge, Washington.

Virginia (14). Alexandria, Reedville, *Newport News, *Norfolk, Cape Charles.

North Carolina (15). Elizabeth City, Washington (See text below), Beaufort, *Wilmington.

South Carolina (16). Georgetown, *Charleston.

Georgia (17). *Savannah, Brunswick.

[1] 3 F.R. 696 DI.
[2] 3 F.R. 1077 DI.
[3] These regulations are supplementary to Section 202.40, Title 33, Code of Federal Regulations.

[1] These regulations amend paragraph (b), Section 207.300, Chapter II, Title 33, Code of Federal Regulations.

[1] 4 F.R. 4050 DI.

Florida (*18*). Fernandina, Jacksonville, St. Augustine, Miami, Key West, *Tampa, Apalachicola, Pensacola.

Mobile (*19*). *Mobile, Biloxi, Gulfport, (see also Rivers).

New Orleans (*20*). New Orleans (see also Rivers).

Sabine (*21*). *Port Arthur, Beaumont, Lake Charles, La.

Galveston (*22*). *Galveston, Houston, Corpus Christi.

Puerto Rico (*49*). *San Juan.

Virgin Islands. *St. Thomas.

WESTERN RIVERS

New Orleans (*20*). New Orleans, Baton Rouge (see also Gulf).

Tennessee (*43*). *Memphis, Nashville, Chattanooga.

Mobile (*19*). *Mobile (see also Gulf).

Kentucky (*42*). *Louisville.

St. Louis (*45*). *St. Louis, Kansas City.

Omaha (*46*). *Omaha.

Dakota (*34*). *Pembina.

Montana and Idaho (*33*). *Great Falls.

Minnesota (*35*). *Minneapolis.

Duluth and Superior (*36*). *Duluth (see also Lakes).

Wisconsin (*37*). *Milwaukee (see also Lakes).

Chicago (*39*). *Chicago, Peoria (see also Lakes).

Indiana (*40*). *Indianapolis, Evansville.

Ohio (*41*). Cincinnati (see also Lakes).

Pittsburgh (*12*). *Pittsburgh.

NORTHERN LAKES

Vermont (*2*). *St. Albans, Burlington.

St. Lawrence (*7*). Rouses Point, *Ogdensburg, Cape Vincent.

Rochester (*8*). Oswego, *Rochester.

Buffalo (*9*). *Buffalo.

Ohio (*41*). Erie, *Cleveland, Sandusky, Toledo (see also Rivers).

Michigan (*38*). *Detroit, Port Huron, Sault St. Marie, Grand Haven.

Chicago (*39*). *Chicago (see also Rivers).

Wisconsin (*37*). *Milwaukee (see also Rivers).

Duluth and Superior (*36*). *Duluth (see also Rivers).

PACIFIC COAST

San Diego (*25*). *San Diego.

Los Angeles (*27*). *Los Angeles, Port San Luis.

San Francisco (*28*). *San Francisco-Oakland, Eureka.

Oregon (*29*). Marshfield, Astoria, *Portland.

Washington (*30*). Tacoma, *Seattle, Bellingham, Port Townsend, Port Angeles, Aberdeen.

Alaska (*31*). Ketchikan, Hyder, Wrangell, Petersburg, Eagle, *Juneau, Sitka, Skagway, Cordova, Fairbanks.

Hawaii (*32*). *Honolulu.

The grand divisions are printed in capitals, the district names in italics, with the numbers enclosed in parentheses, and the ports in roman with asterisks (*) to indicate the headquarters ports. Marine documents are not issued at the headquarters ports of Indianapolis and St. Albans, nor in the districts of Laredo (23), El Paso (24), Arizona (26), Colorado (47), and Utah and Nevada (48).

Marine documents may be issued at the port of Washington, N. C. Washington is a customs station, but not a port of entry.

A duplicate of each marine document issued to a vessel, together with the surrendered original, if there is one, should be sent to the headquarters port for review. All duplicates, surrendered originals, and copies of lost originals must be forwarded from the headquarters port to the Director of the Bureau of Marine Inspection and Navigation at the end of each day.

A license may be renewed by endorsement by the collector at the headquarters port or by any deputy collector within that particular district, but a notice of such renewal, Cat. No. 1302, must be sent to the port at which the license was issued, to the port of last previous renewal, and to the home port.

Additional ports will be designated as ports of documentation when this action is required by the exigencies of the service.

This amendment shall become effective on December 22, 1939.

[Section 161 R. S. (5 U.S.C. 22); Sections 2 and 3 of the Act of July 5, 1884 (23 Stat. 118) (46 U.S.C. 2 and 3)]

[SEAL] J. M. JOHNSON,
Acting Secretary of Commerce.

DECEMBER 9, 1939.

[F. R. Doc. 39-4585; Filed, December 11, 1939; 11:15 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 29-FD]

IN THE MATTER OF THE APPLICATION OF THE PITTSBURGH STEEL COMPANY FOR RENEWAL OF ORDER GRANTING EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Pittsburgh Steel Company, Applicant herein, having on June 10, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in its manufacture of coke; and

The Commission having, on August 31, 1938, entered an order [1] pursuant to such application, in Docket No. 29-FD, ordering that the provisions of Section 4, II, (1) of the Bituminous Coal Act of 1937 do apply to the bituminous coal produced by the Applicant at its Thompson No. 1, Thompson No. 2 and Tower Hill No. 2 mines in Fayette County, Pennsylvania which is consumed by the Applicant in the manufacture of coke, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist;

Applicant having, on November 3, 1939, filed with the Director of the Bituminous Coal Division verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal, at its mines located in Fayette County, Pennsylvania, and the portion thereof which was consumed by Applicant in its manufacture of coke, and which application also contains a statement that all of the facts set forth in the application of June 10, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of August 31, 1938, continue to exist;

It is ordered, That the application filed by the Applicant for renewal of said order dated August 31, 1938, be and the same is hereby granted;

Provided, however, That the said order dated August 31, 1938, and the exemption granted thereby, and this renewal of said order, shall automatically terminate and expire:

1. Unless the Applicant, on or before November 7, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before July 7, 1940, files with the Director a verified report for the six month period ending June 7, 1940, containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the names and locations of the mines covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mines;

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

3. Unless the applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership

[1] 3 F.R. 2160 DI.

of the plants or factories or other facilities at which the coal is consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of August 31, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 7, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-4578; Filed, December 9, 1939; 10:29 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF THE DETERMINATION DENYING APPLICATION FOR PARTIAL EXEMPTION OF THE RECEIVING, GRADING AND PACKING OF UNSHELLED "ENGLISH" WALNUTS IN THE STATES OF CALIFORNIA, OREGON AND WASHINGTON, AND UNSHELLED FILBERTS IN THE STATES OF OREGON AND WASHINGTON FROM THE MAXIMUM HOUR PROVISIONS OF THE FAIR LABOR STANDARDS ACT

Whereas, upon applications of the California Walnut Growers Association, the North Pacific Nut Growers Cooperative and sundry other parties, a hearing was held[1] in San Francisco, California, on September 28, 1939, before Harold Stein, Presiding Officer, duly designated and authorized by the Administrator to conduct said hearing, take testimony and hear arguments for the purpose of determining, and to determine the following questions:

(1) Whether either the receiving, grading and packing of unshelled "English" walnuts, or the receiving, grading or packing of unshelled filberts is an industry of a seasonal nature or branch thereof within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder; and

(2) Whether both the receiving, grading and packing of unshelled "English" walnuts, and the receiving, grading and packing of unshelled filberts together constitute an industry of a seasonal nature or branch thereof within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder; and

Whereas, the said Harold Stein on December 4, 1939, duly made findings of fact and determined as follows:

"1. Walnuts and filberts mature and are harvested and dried in the States of California, Oregon and Washington in the months of September, October and November; and

"2. Walnuts and filberts are delivered to packing houses as soon as they are dried and must be received at that time in these (or other) facilities; and

"3. Walnuts and filberts are customarily graded and packed in the months of September, October, November and December and the bulk of such walnuts and filberts are shipped to consumers at that time; and

"4. The length of the packing season is controlled solely by market demand and is not caused by any unavailability of the materials used by the industries; and

"5. Filberts are invariably received, graded and packed in the same plants as walnuts; and

"6. Filbert packing and walnut packing are merely different operations within the same industry; and

"7. The shelling of walnuts and the handling of walnut kernels are largely performed by the employers who also receive, grade and pack unshelled walnuts; and

"8. The shelling of walnut culls is directly and immediately connected with the grading and packing of unshelled walnuts, while the shelling of surplus walnuts is determined by the Walnut Control Board, representing all walnut growers and is closely related to the packing and sale of unshelled walnuts; and

"9. The receiving, grading and packing of walnuts is not a separate branch of an industry but is part of the whole walnut industry which includes the shelling of walnuts and the handling of walnut kernels; and

"10. The shelling of walnuts and the handling of walnut kernels continues throughout most of the year and is not of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder; and

"11. The walnut industry including shelling operations, operations on unshelled nuts, and operations on filberts, is not of a seasonal nature; and

"12. Neither the receiving, grading and packing of walnuts, nor the receiving, grading and packing of filberts, nor both taken together is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder.

"The applications are denied."

Copies of the said Findings and Determination are available for inspection by interested parties in the office of the Administrator, Department of Labor Building, Washington, D. C., and in the various regional and branch offices of the Wage and Hour Division.

Now, therefore, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 8th day of December, 1939.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 39-4574; Filed, December 8, 1939; 3:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 12, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators em-

[1] 4 F.R. 4008 DI.

ployed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employers' name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Carmi Feature Underwear, Inc., Carmi, Illinois, men's shorts and union suits.

Cluett, Peabody & Co., Inc., Leominster, Massachusetts, men's shirts.

Davenshire, Inc., Davenport, Iowa (5 learners), men's pants.

The Frank Kern Co., Inc., Neoga, Illinois (5 learners), hose supporters and garters.

The Gault Mfg. Co., Inc., Union, South Carolina (5 learners), men's pajamas.

LaCrosse Garment Mfg. Co., LaCrosse, Wisconsin, house dresses.

Magnolia Garment Co., Laurel, Mississippi, work clothing.

Morris Freezer & Co., Inc., Wytheville, Virginia, boys' cotton shirts.

Reliance Mfg. Co., Hattiesburg, Mississippi, work shirts and pants.

Waxahachie Garment Co., Waxahachie, Texas, pants and shirts.

White Swan Uniforms, Inc., Highland, New York (5 learners), women's uniforms.

White Swan Uniforms, New Milford, Connecticut (3 learners), women's uniforms.

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4588; Filed, December 11, 1939; 12:41 p. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 12, 1939, until April 9, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Name and address of firm	Product	Number of learners
Waxahachie Garment Company, Waxahachie, Texas.	Pants & Shirts.	25

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4589; Filed, December 11, 1939; 12:41 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 12, 1939, to August 12, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Harriman Hosiery Mills, Harriman, Tennessee (50 learners).

Holt Hosiery Mills, Inc., West Harding Street, Graham, North Carolina (5 learners).

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
Director Hearings Branch.

[F. R. Doc. 39-4590; Filed, December 11, 1939; 12:41 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 12, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES.

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed

written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Alamac Hosiery Co., Inc., Reidsville, North Carolina.

Ashe Hosiery Mill, Knoxville, Tennessee.

Glassboro Hosiery Mill, Inc., Glassboro, New Jersey (1 learner).

Moreck Hosiery Company, Perkasie, Pennsylvania (2 learners).

Rockledge Silk Hosiery Co., Inc., Rockledge, Pennsylvania (1 learner).

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4591; Filed, December 11, 1939; 12:41 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 12, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Belle Knitting Corporation, Sayre, Pennsylvania, circular knit fabric.

Lincoln Underwear Mills, Inc., Pottstown, Pennsylvania (1 learner), men's and ladies' underwear.

Van Raalte Co., Inc., Dunkirk, New York, underwear.

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4592; Filed, December 11, 1939; 12:42 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to employers listed below effective December 12, 1939, until March 12, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

Name and address of firm	Product	Number of learners
Kanmak Mills, Inc., Kulpmont, Pennsylvania.	Firm and elastic corset and bathsuit fabrics.	28

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4593; Filed, December 11, 1939; 12:42 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 12, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Covington Mills, Covington, Georgia, Print, Shade, & Book Cloths.

Bernson Silk Mills, Inc., Buena Vista, Virginia, Broad Silks.

J. C. Sanders Cotton Mill Co., Inc., Prichard, Alabama, Grey Goods.

Kanmak Mills, Inc., Kulpmont, Pennsylvania, Firm & Elastic Corset & Bathing Suit Fabrics.

W. S. Libbey Company, Lewiston, Maine (3 learners), Warp (cotton) Piece Goods.

Warren Featherbone Company, Three Oaks, Michigan, Yarns, Thread, & Braids.

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4594; Filed, December 11, 1939; 12:42 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 12, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piece work rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Blue Ridge Spread Co., Dalton, Georgia, chenille bedspreads.

Fireside Handcraft Co., Dalton, Georgia, (5 learners), chenille products.

J. & C. Bedspread Co., Ellijay, Georgia, (5 learners) chenille bedspreads.

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4595; Filed, December 11, 1939; 12:42 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable un-

der Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 12, 1939, until June 12, 1940, unless otherwise indicated subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator or less than eight (8) weeks experience as a chenille operator plus eight (8) weeks retraining as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period, no learner may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Special Certificates are issued on representations by the employers that: (a) experienced operators are not available and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates may be cancelled as of the date of their issuance, if it is found upon objection duly filed within fifteen (15) days following the publication of notice of their issuance that the issuance of these Certificates are not necessary to prevent curtailment of opportunities for employment. They may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the Employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

Name and address of firm	Product	Number of learners
Blue Ridge Spread Co., Dalton, Georgia.	Chenille bedspreads.	20
J. & C. Bedspread Company, Ellijay, Georgia.	Chenille bedspreads.	40

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4596; Filed, December 11, 1939; 12:43 p. m.]

NOTICE OF CANCELATION OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that a Special Certificate for the employment of learners previously issued to W. A. Forsyth Silk Company, Eynon, Pennsylvania, has been canceled as of the date of its issuance, November 25, 1939, at the request of the above-named company.

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4597; Filed, December 11, 1939; 12:43 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1939.

[File No. 32-170]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA

ORDER GRANTING EXEMPTION

Public Service Company of Indiana, a subsidiary company of the Trustees of Midland United Company, a registered holding company, having filed with this Commission an amended application purusant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the Act with respect to the issue and sale of $38,000,000 principal amount of First Mortgage Bonds, Series A, 4%, due September 1, 1969, and $10,000,000 principal amount of Serial Debentures, 3⅞%, due 1940-1949; and

A public hearing on such amended application having been duly held after appropriate notice; the record in this matter having been duly examined; and the Commission having made and filed its findings and opinion herein;

It is ordered, That said amended application be, and the same hereby is, approved; and

It is further ordered, That the following conditions be, and the same hereby are, imposed upon the applicant:

1. That if the express authorizations of the issue and sale of such securities by the Public Service Commission of the State of Indiana shall be revoked or otherwise terminated, this exemption shall immediately terminate without further order of this Commission;

2. That such securities shall be issued within 30 days after the date of our order;

3. That within 10 days after the issue and sale of such securities applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of and for the purposes represented by such application as amended; and

4. That except as the Commission may by order or orders from time to time permit, so long as any of the First Mortgage Bonds, Series A, 4%, due September 1, 1969 are outstanding, Public Service Company of Indiana shall not, nor shall any successor or successors of Public Service Company of Indiana, declare or pay any dividends or make any distributions on shares of any class of its capital stock (other than dividends payable solely in shares of its stock) or make any disbursement for the purchase or retirement of shares of any class of its capital stock, unless said Company (or any such successor or successors) has charged against income for the period from January 1, 1939 to the date of the proposed payment of such dividends or making of such distribution or disbursement, as a provision for depreciation, an amount equal to at least $1,700,000 per annum plus, for each calendar year, three per cent (3%) of the book value of net depreciable property additions made during the period from September 1, 1939 to December 31 of the immediately preceding calendar year; provided, however, that any transfers to the earned surplus account of said Company (or any such successor or successors) from net income since September 1, 1939, over and above all such dividends, distributions and disbursements, may be used as a credit to offset any deficiency in the amount added to the reserve for depreciation in satisfying the foregoing requirements.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4579; Filed, December 9, 1939; 11:03 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1939.

[File No. 1-3038]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, TO DETERMINE WHETHER THE REGISTRATION OF LEPANTO CONSOLIDATED MINING COMPANY COMMON STOCK, 10 CENTAVOS PAR VALUE, NON-ASSESSABLE SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

I

It appearing to the Commission,

That Lepanto Consolidated Mining Company, a corporation organized under the laws of the Commonwealth of the Philippines, is the issuer of Common Stock, 10 centavos par value, non-assessable, and

That said Lepanto Consolidated Mining Company registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing on or about June 1, 1938, an application with the said Exchange and with the Commission, pursuant to Sections 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which application became effective July 3, 1938, and has remained in effect to and including the date hereof, and

That Rule X-13A-1, promulgated pursuant to Section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified and that no other form was or is specified for use by the said Lepanto Consolidated Mining Company, and

II

The Commission having reason to believe that,

The said Lepanto Consolidated Mining Company has failed to comply with said Section 12 and the said Rule X-12B-1 promulgated thereunder and with the provisions of Form 10, the instructions, rules and regulations of the Commission supplemental thereto, as amended, in that the application on Form 10 filed by the said Lepanto Consolidated Mining Company fails to include an accountant's certificate which contains a statement of opinion with respect to the accounting principles and procedures followed by the said Lepanto Consolidated Mining Company, and

The said Lepanto Consolidated Mining Company has failed to comply with said Section 13 and said Rule X-13A-1 in that it has failed to file its annual report for the year ended December 31, 1938, on Form 10-K as prescribed by said Rule X-13A-2, and

III

It being the opinion of the Commission that,

The hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to Section 19 (a) (2) of said Act, that a public hearing be held to determine whether Lepanto Consolidated Mining Company has failed to comply with Sections 12 and 13 of the Securities Exchange Act of 1934, as amended, and the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, 10 centavos par value, nonassessable, of said Lepanto Consolidated Mining Company on said San Francisco Mining Exchange;

It is further ordered, Pursuant to the provisions of Section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purposes of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 29th day of January, 1940, at 10:00 A. M. at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4580; Filed, December 9, 1939; 11:03 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1939.

[Files Nos. 7-407 to 7-423, Inclusive]

IN THE MATTER OF APPLICATIONS BY THE CLEVELAND STOCK EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN ADDRESSOGRAPH-MULTIGRAPH CORP., COMMON STOCK, $10 PAR VALUE; BOND STORES, INCORPORATED, COMMON STOCK, $1 PAR VALUE; CLEVELAND GRAPHITE BRONZE CO., COMMON STOCK, $1 PAR VALUE; FIRESTONE TIRE & RUBBER CO., COMMON STOCK, $10 PAR VALUE; GENERAL ELECTRIC COMPANY, COMMON STOCK, NO PAR VALUE; GLIDDEN COMPANY, COMMON STOCK, NO PAR VALUE; INDUSTRIAL RAYON CORP., CAPITAL STOCK, NO PAR VALUE; INTERLAKE IRON CORPORATION, COMMON STOCK, NO PAR VALUE; GLENN L. MARTIN COMPANY, COMMON STOCK, $1 PAR VALUE; NATIONAL MALLEABLE & STEEL CASTINGS COMPANY, COMMON STOCK, NO PAR VALUE; NEW YORK CENTRAL RAILROAD CO., CAPITAL STOCK, NO PAR VALUE; OHIO OIL COMPANY, COMMON STOCK, NO PAR VALUE; REPUBLIC STEEL CORPORATION, COMMON STOCK, NO PAR VALUE; TIMKEN ROLLER BEARING CO., COMMON STOCK, NO PAR VALUE; TWIN COACH COMPANY, COMMON STOCK, $1 PAR VALUE; UNITED STATES STEEL CORP., COMMON STOCK, NO PAR VALUE; YOUNGSTOWN STEEL DOOR CO., COMMON STOCK, NO PAR VALUE.

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The Cleveland Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1, to extend unlisted trading privileges to the above-mentioned securities; and

After appropriate notice a hearing having been held in this matter in Cleveland, Ohio; and

The Commission having this day made and filed its findings and opinion herein:

It is ordered, Pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the instant applications of such exchange be and the same are hereby granted by the Commission to extend unlisted trading privileges to the Addressograph-Multigraph Corp., Common Stock, $10 Par Value; Bond Stores, Incorporated, Common Stock, $1 Par Value; Cleveland Graphite Bronze Co., Common Stock, $1 Par Value; Firestone Tire & Rubber Co., Common Stock, $10 Par Value; General Electric Company, Common Stock, No Par Value; Glidden Company, Common

Stock, No Par Value; Industrial Rayon Corp., Capital Stock, No Par Value; Interlake Iron Corporation, Common Stock, No Par Value; Glenn L. Martin Company, Common Stock, $1 Par Value; National Malleable & Steel Castings Company, Common Stock, No Par Value; New York Central Railroad Co., Capital Stock, No Par Value; Ohio Oil Company, Common Stock, No Par Value; Republic Steel Corporation, Common Stock, No Par Value; Timken Roller Bearing Co., Common Stock, No Par Value; Twin Coach Company, Common Stock, $1 Par Value; United States Steel Corp., Common Stock, No Par Value; and Youngstown Steel Door Co., Common Stock, No Par Value.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4581; Filed, December 9, 1939; 11:03 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D., 1939.

IN THE MATTER OF APPLICATIONS BY THE LOS ANGELES STOCK EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY, COMMON STOCK, PAR VALUE $100; BALDWIN LOCOMOTIVE WORKS, VOTING TRUST CERTIFICATES FOR COMMON STOCK, PAR VALUE $13; BARNSDALL OIL COMPANY, COMMON STOCK, PAR VALUE $5; BETHLEHEM STEEL CORPORATION (DELAWARE), COMMON STOCK, NO PAR VALUE; CONTINENTAL MOTORS CORPORATION, COMMON STOCK, PAR VALUE $1; GRAHAM-PAIGE MOTORS CORPORATION, COMMON STOCK, PAR VALUE $1; MOUNTAIN CITY COPPER COMPANY, CAPITAL STOCK, PAR VALUE 5¢; THE PENNSYLVANIA RAILROAD COMPANY, CAPITAL STOCK, PAR VALUE $50; THE PURE OIL COMPANY, COMMON STOCK, NO PAR VALUE; STONE & WEBSTER, INCORPORATED, CAPITAL STOCK, NO PAR VALUE; SUPERIOR OIL CORPORATION, COMMON STOCK, PAR VALUE $1; UNITED AIR LINES TRANSPORT CORPORATION, CAPITAL STOCK, PAR VALUE $5; WILLYS-OVERLAND MOTORS, INCORPORATED, COMMON STOCK, PAR VALUE $1

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The Los Angeles Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1, to extend unlisted trading privileges to the above-mentioned securities; and

After appropriate notice a hearing having been held in this matter in Los Angeles, California; and

The Commission having this day made and filed its findings and opinion herein:

It is ordered, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the instant applications of such exchange be and the same are hereby granted by the Commission to extend unlisted trading privileges to the Atchison, Topeka & Santa Fe Railway Company, Common Stock, Par Value $100; Baldwin Locomotive Works, Voting Trust Certificates for Common Stock, Par Value $13; Barnsdall Oil Company, Common Stock, Par Value $5; Bethlehem Steel Corporation (Delaware), Common Stock, No Par Value; Continental Motors Corporation, Common Stock, Par Value $1; Graham-Paige Motors Corporation, Common Stock, Par Value $1; Mountain City Copper Company, Capital Stock, Par Value 5¢; The Pennsylvania Railroad Company, Capital Stock, Par Value $50; The Pure Oil Company, Common Stock, No Par Value; Stone & Webster, Incorporated, Capital Stock, No Par Value; Superior Oil Corporation, Common Stock, Par Value $1; United Air Lines Transport Corporation, Capital Stock, Par Value $5; and Willys-Overland Motors, Incorporated, Common Stock, Par Value $1.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4582; Filed, December 9, 1939; 11:04 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

[File No. 43-282]

IN THE MATTER OF LEXINGTON UTILITIES COMPANY AND KENTUCKY UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on December 20, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 18, 1939.

The matter concerned herewith is in regard to the issue and sale by Lexington Utilities Company of $4,000,000 3½% notes to the Chase National Bank of the City of New York which notes are to be guaranteed by Kentucky Utilities Company. The proceeds of such issue and sale, together with other funds of Lexington Utilities Company and/or Kentucky Utilities Company to the extent necessary, are to be used to redeem at 103, presently outstanding First and Refunding 5% Bonds due 1952 of Lexington Utilities Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4599; Filed, December 11, 1939; 12:49 p. m.]